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File No.: 9-13528-197US

DATE: February 11, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter PHELPS et al.
Serial No.: 10/662,400
Filed: September 16, 2003
Title: METHOD AND APPARATUS FOR PROVIDING GRADES
OF SERVICE FOR UNPROTECTED TRAFFIC IN AN
OPTICAL NETWORK
Agent of Record: Max R. Wood Tel: (613) 780-8681

Mail Stop Amendment
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
U.S.A.

Sir:

INFORMATION DISCLOSURE STATEMENT
FEE NOT REQUIRED

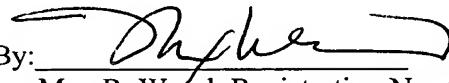
Pursuant to the duty of disclosure under 37 CFR 1.56 enclosed is a copy of the International Search Report issued by the European Patent Office against applicants' corresponding International patent application No. PCT/CA2004/001689. The references cited in the Search Report are listed on the attached PTO/SB08A Form and copies of the references (other than U.S. patents and U.S. published applications) are submitted herewith.

Pursuant to 37 CFR 1.97(e), each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. Accordingly no late submission fee is believed to be payable. However, should a late submission fee be considered payable, the Commissioner is hereby authorized to charge any required fee to Deposit Account No. 19-5113.

In accordance with 37 CFR 1.97(h), the submission of the present information is not to be construed as an admission that such information is, or is considered to be material to patentability.

The Examiner is kindly requested to consider the references submitted during the examination of the above-identified application, making the references of record, and to return an initialed copy of the PTO/Sb08A Form to the below-signed agent.

Respectfully submitted,
Peter PHELPS et al.

By: 
Max R. Wood, Registration No. 40,388
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MRW/ma
Encls.



PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known	
Application Number	10/662,400
Filing Date	September 16, 2003
First Named Inventor	Peter PHELPS
Art Unit	2661
Examiner Name	
Attorney Docket Number	9-13528-197US

Sheet

of 1

Attorney Docket Number 9-13528-197US

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

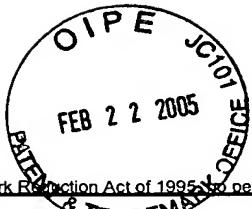
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 01/67685 A	09-13-2001	LUMINOUS NETWORKS, INC.	See ISR	
		CA 2,317,907	06-23-2001	NORTEL NETWORKS CORPORATION	See ISR	
		CA 2,287,010	06-07-2000	NORTEL NETWORKS CORPORATION	See ISR	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

118

Application Number	10/662,400
Filing Date	September 16, 2003
First Named Inventor	Peter PHELPS
Art Unit	2661
Examiner Name	
Total Number of Pages in This Submission	118
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ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Max R. Wood, Reg. No. 40,388
Signature	
Date	February 11, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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